

Notice of Allowability

Application No.

10/755,049

Examiner

Michael W. Talbot

Applicant(s)

OTTEN, JUERGEN

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 26 October 2006.
2. ☒ The allowed claim(s) is/are 14-22.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Monica S. Carter
MONICA CARTER
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 26 October 2006 has been entered.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:

Claims 14-22 are allowed.

Claim 14 is the sole independent claim.

3. Regarding claim 14, the prior art of record fails to anticipate or make obvious a clamping mechanism for clamping at least two structural components to each other having (1) "a guide hole in said guide element, wherein a locating pin is axially movable in said guide hole along a pin axis extending at an angle to said drilling axis" and (2) "said locating pin being axially movable to reach into said guide channel for positioning a first structural component of at least two structural components in a correct drilling position and being also sufficiently moveable for moving out of said guide channel", solely or in combination, with a clamping mechanism for clamping at least two structural components to each other having a clamping bail forming a clamping opening, a first clamping section facing clamping opening, a second clamping section facing across clamping opening in axial alignment with first clamping section, a guide element with a guide channel adapted to guide a drill bit driven by a drilling tool along said drilling axis, and the second clamping further comprising a pressure member and a clamping drive for pressing a second structural member against a first structural member in a clamping arrangement.

4. Silver '956 is the closest art of record.

Silver '956 shows in Figures 1-3 a clamping mechanism comprising a clamping bail (1) forming a clamping opening, a first clamping section (3) aligned with a second clamping section (2) facing each other across the clamping opening. Silver '956 shows the first clamping section further comprising a drill bushing guide element (5,13,14) with a hollow guide channel (18) adapted to guide a drill bit (26) driven by a drilling tool (Fig. 1) and a removable centering pin (17) axially movable within guide element for positioning a correct drilling position (col. 3, lines 27-38). Silver '956 shows the second clamping section further comprising a pressure member (8) and a clamping drive comprising a clamping screw (4) and a handle (6) rotatably mounted wherein the guide element is an adapter (13,14) in axial alignment with guide element for holding a drill in alignment. Silver '956 shows in Figure 3 a cavity (v-notch) in the pressure member where the drill bit tip can enter when a hole drilling is completed.

Silver '956 lacks a clamping mechanism having (1) "a guide hole in said guide element, wherein a locating pin is axially movable in said guide hole along a pin axis extending at an angle to said drilling axis" and (2) "said locating pin being axially movable to reach into said guide channel for positioning a first structural component of at least two structural components in a correct drilling position and being also sufficiently moveable for moving out of said guide channel",

Although it is well known for a clamping mechanism to have a guide element with a guide channel adapted to guide a drill bit driven by a drilling tool along a drilling axis and a locating pin for aligning the components in a correct drilling position, there is no teaching in the prior art of record that would, reasonably and absent impermissible hindsight, motivate one having ordinary skill in the art to so modify the teachings of Silver '956, noting that in Silver '956, the guide hole for the location pin and the guide channel for the drilling tool extend coaxially,

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and therefore are not located at an angle with respect to one another. Furthermore, the locating pin must be removed completely prior to operation of the drilling tool since the guide hole for the location pin and the guide channel for the drilling tool occupy the same hole (i.e. space). Thus, for at least the foregoing reasons, the prior art of record neither anticipates nor rendered obvious the present invention as set forth in independent claim 14.

Conclusion

5. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging Faxing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filling papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

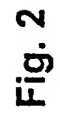


MWT
Examiner
8 January 2007


MONICA CARTER
SUPERVISORY PATENT EXAMINER



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ENTER 1/9/07 PMW



Fig. 3

ENTER 1/9/07 *MDR*

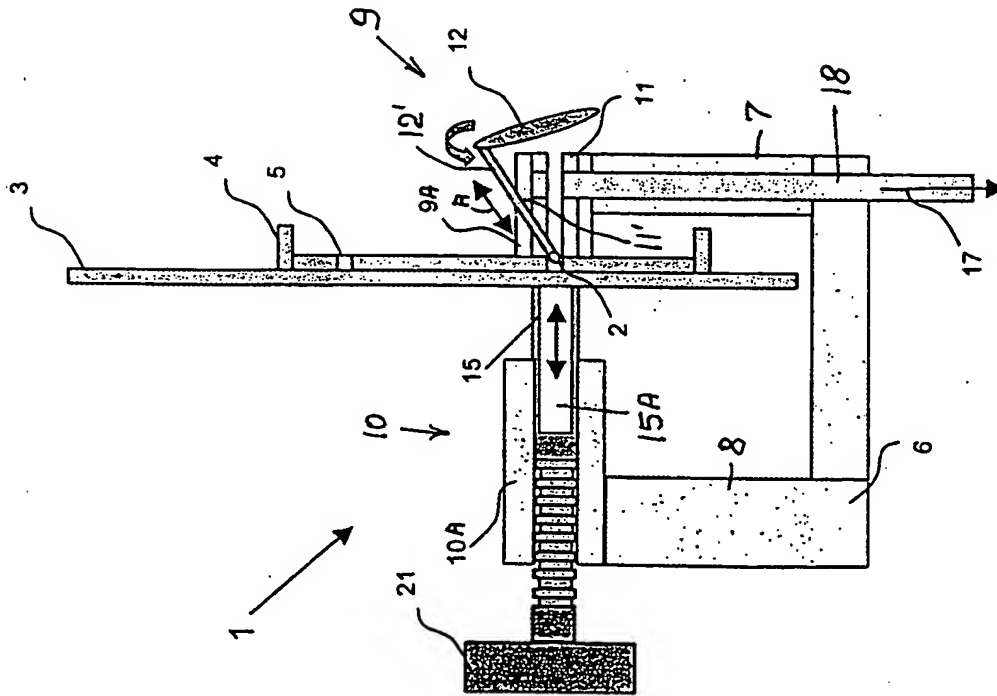
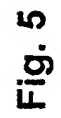


Fig. 4

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